THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 12354 of 2007

DATED: 25.06.2007

Between:
N.Venkayamma.

... PETITIONER

AND

The Sub-Registrar, Guntur.

... RESPONDENT

ORDER:

The petitioner states that her husband late Nutakki Vandanam, an Ex-Serviceman, was allotted an extent of Ac.4.32 cents in Sy.No.346/1 of Gorantla Village, Guntur District *vide* proceedings, dated 07.11.1967. A rytu pattadar pass book is also said to have been issued. The original allottee is said to have died on 01.04.1990 and that the petitioner had succeeded to the said land.

The petitioner contends that to meet her family necessities, it has become necessary to sell the said property. The grievance of the petitioner is that when approached by her, the respondent has stated that the land cannot be alienated, since it is assigned. Placing reliance upon the orders of the Government enabling the Ex-Servicemen to sell the allotted lands, the petitioner seeks appropriate directions.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The nature of enjoyment of lands allotted to Ex-Servicemen is substantially different from the one relating to other categories of assignments. The Government issued G.O.Ms.No.1117 Revenue (Assignment-I) Department, dated 11.11.1993, enabling the Ex-Servicemen to transfer or sell the lands allotted to them after expiry of ten years from the date of allotment. Therefore, if the petitioner is able to place the order of allotment in

favour of her husband and demonstrate that the period of ten years had expired from the date of such allotment, the respondent cannot raise any objection for transfer of such land, provided the deed of transfer accords with the other provisions of law.

Hence, the writ petition is disposed of, directing that the respondent shall not object the alienation of the land in question, if it has been assigned to the husband of the petitioner as an Ex-serviceman and ten years have elapsed ever since such assignment. There shall be no order as to costs.

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25.06.2007
Note: Issue cc in three days.
(B/o)
kdl